

Exhibit C

NOTICE OF CLAIM

In the Matter of the Claim of

Consuelo Filzroy.

- against -

City of New York, New York City Transit Authority, and MTA Bus Company

TO: OFFICE OF THE NEW YORK CITY COMPTROLLER
1 CENTRE ST #530
NEW YORK, NY 10007

OIG
ONE PENN PLAZA, 11TH FLOOR, SUITE 1110
NEW YORK, NEW YORK 10119

MTA GENERAL COUNSEL
2 BROADWAY, 4TH FLOOR
ATTN: VICTORIA CLEMENT
NEW YORK, NY 10017

ELIZABETH A. COONEY, GENERAL COUNSEL
OFFICE OF THE GENERAL COUNSEL
2 BROADWAY, 30TH FLOOR
NEW YORK, NY 10004

MTA BUS COMPANY
OFFICE OF THE CONTROLLER
128-15 28TH AVENUE
FLUSHING, NY 11354

MTA EMAIL: serviceclaims@nycet.com
NYC COMPTROLLER PORTAL

M.T.A. General Counsel
Received
Date: 3/11/24 Time: _____
Mail ☒ Personal ☐

Case 1:24-cv-03016-ENV-LKE Document 11-5 Filed 06/18/24 Page 3 of 7 PageID #: 97

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and claimants' attorneys is:

Claimant

Conswlaer Fitzory
783 Jefferson Avenue, Unit 6
Brooklyn, NY 11221

Attorney

Law Office of Michael H. Joseph PLLC
203 East Post Road
White Plains, NY 10601
(914) 574-8330

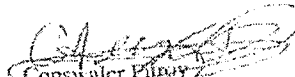
2. Nature of Claim: False arrest, false imprisonment, abuse of process, unlawful search and seizure, subjected to intentional infliction of serious emotional distress and harm, malicious prosecution, negligence, recklessness, wrongful incarceration and violation of civil rights of claimant, all caused by the intentional, negligent, reckless and careless action of, whose identity is presently unknown. Claimant was illegally and unlawfully harassed, injured mentally, imprisoned, arrested, seized and searched without just cause. Claimant was made to suffer inhuman treatment, maliciously prosecuted and was deprived of his Constitutional and civil rights, in violation of 42 U.S.C. 1983, all without basis or reason. Respondent's agents, employees and servants violated claimant's rights and were negligent in heeding the instructions and notice provided to them. They were negligent in training, disciplining and supervising of its officers. All of the aforementioned caused claimant to suffer deprivation of liberty, psychological injuries, including but not limited to shock, depression, angst and shock.

3. The time when, the place where and the manner in which the claim arose: On November 6, 2023, at approximately 4:10 p.m., on an MTA Bus (route S51) at the Staten Island Terminal bus stop, the claimant was wrongfully accused, harassed, physically assaulted, arrested without probable cause, imprisoned, and illegally seized and searched by employees of the MTA and NYPD, whose identity are presently unknown, who were acting under the color of law and within the scope of their employment for the MTA and NYPD, as she was getting onto the Bus. Thereafter, claimant was maliciously prosecuted and subject to abuse of process. All of the aforementioned caused violations of the civil rights and liberties guaranteed to the claimant under the Federal Constitution and the Constitution of the State of New York all in violation of 42 USC 1983.

4. The items of damage or injuries claimed are (do not state dollar amounts). All of the aforementioned caused claimant to suffer deprivation of liberty, physical damages, (including a fractured wrist, fingers, and bruised ribs), hospital and medical expenses, and psychological injuries, including but not limited to shock, depression, angst and shock. Further Claimant is entitled to attorneys' fees and punitive damages.

Said claims and demands are hereby presented for adjustment and payment.

DATED: White Plains, New York
November 14, 2023

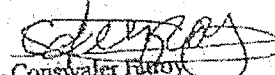

Conswaler Fittroy

VERIFICATION

STATE OF NEW YORK

COUNTY OF KINGS

Conswaler Fittroy, being duly sworn, deposes and says that deponent is the above-named claimant; deponent has read the foregoing NOTICE OF CLAIM and knows its contents; the same is true to deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

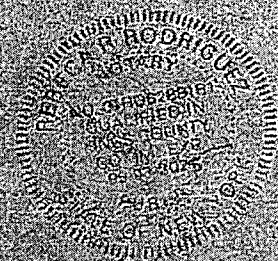

Conswaler Fittroy

Sworn to before me on
November 28, 2023


Notary Public

Law Office of Michael H. Joseph PLLC
Attorneys for Claimant

203 East Post Road
White Plains, NY 10601
(914) 574-8330



2024.06.18 10:56 PM

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1 of 1


DESIGNATION OF AGENT FOR ACCESS TO SEALED
RECORDS PURSUANT TO NYCPL §160.50(1)(d)

I, Consiwaler Fitzroy, Date of Birth, SSN [REDACTED] 3346, pursuant to CPL §160.50(1)(d), hereby designate the New York City Comptroller's Office as my agent to whom records of the criminal action terminated in my favor entitled, relating to my arrest on or about, November 6, 2023, at approximately 4:10 p.m., on an MTA Bus (route S51) at the Staten Island Terminal bus stop may be made available.

I understand that until now the aforesaid records have been sealed pursuant to CPL §160.50, which permits those records to be made available only (1) to persons designated by me, or (2) to certain other parties specifically designated in that statute.

I further understand that the person designated by me above as a person to whom the records may be made available is not bound by the statutory sealing requirements of CPL §160.50.

The records to be made available to the person designated above comprise all records and papers relating to my arrest and prosecution in the criminal action identified herein on file with any court, police agency, prosecutor's office, or state or local agency that were ordered to be sealed under the provisions of CPL §160.50.


Consiwaler Fitzroy

STATE OF NEW YORK

COUNTY OF KINGS

On this 28th day of February, 2024, before me personally came Consiwaler Fitzroy, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.




NOTARY PUBLIC

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

Conswaler Fitzroy,

- against -

City of New York,
New York City Transit Authority,
and MTA Bus Company

-----X

AFFIRMED STATEMENT OF SERVICE

Paola Rodriguez Affiant is not a party to the action is over 18 years of age and resides at 18 West 33rd Street, Suite 400, New York, N.Y. 10001. That on February 29, 2024, Affiant served the within, NOTICE OF CLAIM AND DESIGNATION OF AGENT FOR ACCESS TO SEALED RECORDS PURSUANT TO NYCPL 160.50 (1)[d] upon,

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NEW YORK, NY 10017

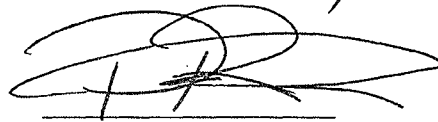
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MTA EMAIL: serviceclaims@nyct.com
NYC COMPTROLLER PORTAL

at the last known address designated by them for that purpose by depositing a true copy of same enclosed by CERTIFIED MAIL in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Service Department within the State of New York.

I affirm this 29th day of February, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

A handwritten signature in black ink, appearing to read 'Paola Rodriguez', written over a horizontal line.

Paola Rodriguez